

SECTION 9

**Erosion and sediment control standards – seasonal limitation period.**

A. A person who clears, grades or otherwise disturbs a site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.

Erosion and sediment controls shall be applied as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual adopted in accordance with K.C.C. chapter 9.04.

B. From October 1 through April 30, which is the seasonal limitation period, clearing and grading shall only be permitted if shown to the satisfaction of the director that runoff leaving the construction site will comply with the erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual adopted in accordance with K.C.C. chapter 9.04 through a combination of the following:

1. Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
2. Proposed limitations on activities and the extent of disturbed areas; and
3. Proposed erosion and sedimentation control measures.

C. Based on the information provided under subsection A. of this section, the director may expand or restrict the seasonal limitations on site disturbance. The director

shall set forth in writing the basis for approval or denial of clearing or grading during the seasonal limitation period.

D. During the seasonal limitation period, clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department that defines any limits on clearing and grading or specific erosion and sediment control measures required during the seasonal limitation period. The department may require or approve alternate best management practices.

E. If, during the course of construction activity or soil disturbance during the seasonal limitation period, silt-laden runoff violating standards in the King County Surface Water Design Manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a citation and stop work order shall be issued in accordance with K.C.C. chapters 23.20 and 23.28, respectively.

F. If the erosion and sediment control problem defined in the citation or stop work order is not adequately repaired within twenty-four hours of issuance, then a notice and order may be issued in accordance with K.C.C. chapter 23.24 to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the property owner to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following April 30.

G. The following activities are exempt from the seasonal limitations of this section:

1. Routine maintenance and necessary repair of erosion and sediment control facilities;
2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in removal of the vegetative cover to the soil;
3. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
4. Typical landscaping activities of existing single family residences that do not require a permit;
5. Class I, II III and IV special forest practices in accordance with chapter 76.09 RCW;
6. Mineral extraction activities on sites with approved permits; and
7. Response to emergencies that threaten the public health, safety or welfare, consistent with section 6 of this ordinance.